

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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WAYMO LLC,	)	
	)	
Plaintiff,	)	
vs.	)	Case No.
	)	17-cv-00939-WHA
UBER TECHNOLOGIES, INC.;	)	
OTTOMOTTO, LLC; OTTO TRUCKING LLC,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

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HIGHLY CONFIDENTIAL--OUTSIDE COUNSEL'S EYES ONLY

VIDEOTAPED DEPOSITION OF

OGNEN STOJANOVSKI, ESQ.

San Francisco, California

Thursday, July 20, 2017

Volume I

Reported by:  
MARY J. GOFF  
CSR No. 13427

Job No. 2663397

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1 lease of offices," right? 06:40:30

2 A Yes. 06:40:35

3 Q And then -- so the fourth one is 06:40:36

4 interesting. It's "All e-mail accounts and e-mail 06:40:37

5 archives owned by the seller." 06:40:40

6 Do you see that? 06:40:42

7 A I do. 06:40:43

8 Q Whose -- where did -- this proposal to 06:40:45

9 include this in the excluded assets, did this idea 06:40:49

10 originate from -- from Tyto's side or from 06:40:52

11 Ottomotto's side? 06:40:55

12 A Probably originated from my side, from the 06:41:02

13 Tyto side. 06:41:04

14 Q And why did Tyto want to retain the e-mail 06:41:05

15 accounts and e-mail archives of the Odin Wave and 06:41:09

16 Tyto employees? 06:41:13

17 A Because it really wasn't part of what 06:41:15

18 Ottomotto was interested in acquiring, which was 06:41:18

19 primarily the engineering talent and maybe the Owl 06:41:21

20 sensor. 06:41:24

21 Q Would it have cost -- well, let me ask you 06:41:26

22 this: Would -- would retaining the e-mail accounts 06:41:30

23 and the e-mail archives have helped you, you know, 06:41:32

24 license or hire new employees to keep creating, you 06:41:37

25 know, Owl sensors to sell? 06:41:42

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1           A     It might have. 06:41:46

2 Q But didn't you also give all the IP and 06:41:46

3 the -- the actual Owl sensor technology to Ottomotto 06:41:49

4 as part of the asset purchase? 06:41:56

5 MR. SAWYER: Objection, form. 06:41:59

6 A Yes, we eventually did by the time the 06:41:59

7 final form of the agreement took place, yes. That 06:42:02

8 wasn't necessarily at all plan. It worked out into 06:42:06

9       that. 06:42:10

10           O       (BY MR. JUDAH) And ultimately, Ottomotto           06:42:10

11 didn't think that taking over the e-mail accounts 06:42:12

12 would be useful for its ongoing business? 06:42:17

13 MS. RAY: Objection, form. 06:42:20

14 MR. SAWYER: Join. 06:42:21

15           A     It wasn't an item we really discussed. It     06:42:22

16 never really came up. 06:42:25

17 Q (BY MR. JUDAH) And ultimately, after the 06:42:27

18 asset purchase, you decided not to retain those 06:42:28

19 e-mail accounts and e-mail archives, correct? 06:42:32

20 MR. SAWYER: Objection, form. 06:42:36

21           A     I eventually closed down the e-mail                 06:42:36

22 accounts, yes. 06:42:39

23           Q     When did you close down those e-mail                 06:42:40

24      accounts? 06:42:42

25           A    I don't recall exactly when I closed down           06:42:46

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1 those e-mail accounts. 06:42:49

2 Q Was it before or after, you know, 06:42:50

3 January 1 of 2017? 06:42:53

4 A It was before January 1, 2017. 06:42:57

5 Q But why did you close down those e-mail 06:42:59

6 domain names at -- let me ask you that again. 06:43:03

7 Why did you close down those e-mail 06:43:04

8 accounts and e-mail archives? 06:43:07

9 A Because at the end of day we did wind up 06:43:09

10 selling the Owl sensor itself too. And Tyto was -- 06:43:11

11 no longer was an ongoing concern with real business 06:43:19

12 opportunities, but rather, just had to have some 06:43:21

13 cash in the bank account. 06:43:25

14 So -- so I wound up -- I wound down all 06:43:27

15 other accounts. And once I was done winding down 06:43:30

16 all other accounts, I didn't need to have Tyto 06:43:33

17 LiDAR's anymore. That -- it didn't make sense in 06:43:35

18 paying for ongoing an e-mail host. 06:43:37

19 THE COURT REPORTER: I'm sorry. I didn't 06:43:40

20 need to have Tyto LiDAR? 06:43:41

21 A Sorry. Can you say it again? 06:43:41

22 (The Reporter read the record as follows: 06:43:47

23 And once I was done winding down all other accounts, 06:43:47

24 I didn't need to have Tyto LiDAR?) 06:43:47

25 A I didn't need to have access to Tyto LiDAR 06:43:48

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1 e-mail anymore, so there wasn't any sense in paying 06:43:50  
2 for ongoing e-mail hosting services. 06:43:54

3 Q (BY MR. JUDAH) Are those e-mail accounts 06:43:58  
4 and e-mail archives recoverable? 06:44:00

5 A I don't know. 06:44:03

6 Q What -- who -- who was the host of those 06:44:04  
7 e-mail accounts and e-mail archives? 06:44:07

8 A Google. 06:44:11

9 Q Google what? 06:44:14

10 A Well, I don't -- whatever it is. G-mail 06:44:17  
11 hosting for business -- I'm not sure of the exact -- 06:44:19  
12 you know, companies that -- like G-mail Professional 06:44:24  
13 Services from Google. 06:44:27

14 Q Is it your understanding that all of those 06:44:29  
15 e-mails have been permanently destroyed? 06:44:31

16 A I don't know if they have been permanently 06:44:36  
17 destroyed or not. 06:44:38

18 Q Do you have any documents that -- that 06:44:42  
19 provide -- well, let me ask you this: If you wanted 06:44:44  
20 to try to recover those e-mails, what would you do? 06:44:45

21 MR. SAWYER: Objection, form. 06:44:50

22 MS. RAY: Join. 06:44:50

23 A I'm not sure how I would go about it. I 06:44:51  
24 don't know. I would try to contact Google, I guess. 06:44:53

25 Q (BY MR. JUDAH) Did you ever discuss having 06:44:57

1 I, MARY J. GOFF, CSR No. 13427, Certified  
2 Shorthand Reporter of the State of California,  
3 certify;

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth, at  
6 which time the witness declared under penalty of  
7 perjury; that the testimony of the witness and all  
8 objections made at the time of the examination were  
9 recorded stenographically by me and were thereafter  
10 transcribed under my direction and supervision; that  
11 the foregoing is a full, true, and correct  
12 transcript of my shorthand notes so taken and of the  
testimony so given;

13 That before completion of the deposition,  
14 review of the transcript (XX) was ( ) was not  
15 requested: ( ) that the witness has failed or  
16 refused to approve the transcript.

17 I further certify that I am not financially  
18 interested in the action, and I am not a relative or  
19 employee of any attorney of the parties, nor of any  
20 of the parties.

21 I declare under penalty of perjury under the  
22 laws of California that the foregoing is true and  
23 correct, dated this 21st day of July 2017.  
24



MARY J. GOFF